

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MICHAEL HARRELL, SUSAN CALVO, :  
JOHN PETERS PROFESSIONAL LIMOUSINES, :  
INC., JACKLYN RESTREPO, PEDRO :  
CAMACHO, EAMON YUEL and YONG :  
ZHANG individually and on behalf of all others :  
similarly situated, :  
:  
Plaintiffs, :  
:  
-against- :  
:  
CITY OF NEW YORK, MEERA JOSHI, DAVID :  
YASSKY, and RAYMOND SCANLON, :  
:  
Defendants. X

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14-CV-7246 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS Plaintiff Michael Harrell, on several occasions, has failed to appear for his scheduled deposition;

WHEREAS the Court, on October 20, 2016, ordered Plaintiff Harrell to show cause on or before November 2, 2016, why judgment in his favor should not be vacated, and he should not be dismissed from the case for failure to provide discovery [Dkt. 151];

WHEREAS Plaintiff Harrell did not show cause by the November 2 deadline;

WHEREAS on November 3, 2016, Defendants requested that the Court enter an Order vacating the judgment awarded to Plaintiff Harrell and dismissing him from this case [Dkt. 153]; and

WHEREAS Plaintiff Harrell's attorneys take no position on Defendants' November 3 Application [Dkt. 154]; and

WHEREAS Plaintiff Harrell's attorney, Daniel L. Ackman, filed a declaration detailing the steps that he has taken to contact Plaintiff Harrell [Dkt. 159];

IT IS HEREBY ORDERED that pursuant to Federal Rule of Civil Procedure 41(b), judgment in Plaintiff Harrell's favor is VACATED, and Plaintiff Harrell is DISMISSED with prejudice from the case for failure to prosecute and failure to provide discovery.

**SO ORDERED.**

**Date: November 14, 2016**  
**New York, New York**



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**VALERIE CAPRONI**  
**United States District Judge**